



## Ohio Administrative Code

### Rule 3701-16-06 Qualifications and health of personnel.

Effective: July 12, 2024

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(A) No person with a disease which may be transmitted in the performance of the person's job responsibilities is allowed to work in a residential care facility during the stage of communicability unless the person is given duties that minimize the likelihood of transmission and follows infection control precautions and procedures.

(B) No person is allowed to work in a residential care facility who uses alcohol or drugs to the extent that it adversely affects the performance of the person's duties or the health or safety of any resident.

(C) No person is allowed to work in a residential care facility in any capacity as a full-time, part-time or temporary paid employee of the facility unless the person has been examined by a physician or other health care professional acting within their applicable scope of practice within thirty days before commencing work or on the first day of work. No person is allowed to commence work in a residential care facility in any capacity unless the person is medically capable of performing the person's prescribed duties. Operators are obligated to retain copies of the examinations obligated by this paragraph and are obligated to furnish them to the director upon request.

(1) Employees of temporary employment services or, to the extent applicable, paid consultants working in a facility are obligated to have medical examinations in accordance with paragraph (C) of this rule, except that a new physical examination is not necessary for each new assignment. Each facility in which such an individual works are obligated to obtain verification of the physical examination, as applicable, from the employment agency or consultant before the individual begins work and are obligated to maintain this documentation on file.

(2) Individuals used by an adult day care program provided by and on the same site as the residential care facility are obligated to have medical examinations in accordance with paragraph (C) of this rule if the adult day care program is located or shares space within the same building as the residential care facility or if there is a sharing of staff between the residential care facility and adult day care program.



(D) Each residential care facility staff member and volunteer who:

(1) Provides personal care services will be at least sixteen years of age. Staff members or volunteers who provide personal care services who are under the age of eighteen are obligated to have on-site supervision by a staff member over the age of eighteen. The administrator is obligated to be at least twenty-one years of age;

(2) Assists residents with self-administration of medications is obligated to demonstrate an ability to read, write and understand information and directions in English. All other staff members and volunteers are obligated to demonstrate an ability to understand and communicate job-related information and directions in English; or

(3) Plans activities for residents with late-stage cognitive impairment with significant ongoing daily living assistance needs, cognitive impairments with increased emotional needs or presenting behaviors that cause problems for the resident or other residents, or both; or, serious mental illness is obligated to have training in appropriate activities for such residents.

(E) Staff members who provide personal care services in a residential care facility, except licensed health professionals whose scope of practice include the provision of personal care services, are obligated to complete the following training :

(1) Within sixty days of hire, have first-aid training evidenced by one of the following:

(a) Currently valid documentation of successful completion, online or in-person, of the "American Red Cross Standard First-Aid Course", the "American Red Cross First-Aid Basics", or any other American red cross course covering the training topics described in paragraph (E)(1)(c) of this rule;

(b) Currently valid documentation of successful completion, online or in-person, of the "American Heart Association Heartsaver First-Aid" course, or any other "American Heart Association" course covering the training topics described in paragraph (E)(1)(c) of this rule; or

(c) Documentation of successful completion, within the past three years, of first-aid training by a



physician, registered nurse, a licensed practical nurse under the direction of a registered nurse, an emergency medical technician, or an instructor certified by the American red cross" or the American heart association. Applicable first-aid training includes recognition and emergency management of bleeding, burns, poisoning, respiratory distress including choking, musculoskeletal injury, wounds including animal and insect bites, sudden illness, shock, hypothermia, heat stroke and exhaustion, and frost bite;

(2) Have documentation that, prior to providing personal care services without supervision in the facility, the staff member met one of the following criteria:

(a) Successfully completed training or continuing education taught by a registered nurse or licensed practical nurse under the direction of a registered nurse that covers, as is necessary to meet the needs of residents in the facility, the following:

(i) The correct techniques of providing personal care services as obligated by the staff member's job responsibilities;

(ii) Observational skills such as recognizing changes in residents' normal status and the facility's procedures for reporting changes; and

(iii) Communication and interpersonal skills.

The training or continuing education will be sufficient to ensure that the staff member receiving the training can demonstrate an ability to provide the personal care services. The facility may utilize other health care professionals acting within the scope of the professional's practice as part of the training or continuing education;

(b) Successfully completed the training and competency evaluation program and competency evaluation program approved or conducted by the director under section 3721.31 of the Revised Code; or

(c) Successfully completed training or testing in accordance with the medicare condition of participation of home health aide services, 42 C.F.R. 484.4 (November 6, 2014) and 42 C.F.R.



484.36 (June 18, 2001);

(3) Except as provided in paragraph (E)(5) of this rule, staff members employed by a residential care facility, or part thereof, that admits or retains residents with late-stage cognitive impairment with significant ongoing daily living assistance needs, or cognitive impairments with increased emotional needs or presenting behaviors that cause problems for the resident or other residents, or both, are obligated to have:

(a) Two hours of initial training in the care of such residents within fourteen days of the first day of work; and

(b) Four hours of continuing education in the care of such residents annually. The four hours of continuing education may count towards the continuing education obligated by paragraph (E)(7) of this rule.

(4) Except as provided in paragraph (E)(5) of this rule, staff members employed by a residential care facility, or part thereof, that admits or retains residents with diagnoses of serious mental illness are obligated to have:

(a) Two hours of initial training in the care of such residents within fourteen days of the first day of work; and

(b) Four hours of continuing education in the care of such residents annually. The four hours of continuing education may count towards the continuing education obligated by paragraph (E)(7) of this rule.

(5) Staff members employed by a residential care facility, or part thereof, that admits or retains residents with late-stage cognitive impairment with significant ongoing daily living assistance needs, or cognitive impairments with increased emotional needs or presenting behaviors that cause problems for the resident or other residents, or both, and that admits or retains residents with diagnoses of serious mental illness, are obligated to have:

(a) Four hours, divided in equal proportions for each population, of initial training in the care of such



residents within fourteen days of the first day of work; and

(b) Eight hours, divided in equal proportions for each population, of continuing education in the care of such residents annually. The eight hours of continuing education may count towards continuing education obligated by paragraph (E)(7) of this rule

(6) Staff members serving special populations not identified in paragraphs (E)(3) and (E)(4) of this rule are obligated to have:

(a) Two hours of initial training in the care of such residents within fourteen days of the first day of work; and

(b) Four hours of continuing education in the care of such residents annually. The four hours of continuing education may count towards the continuing education obligated by paragraph (E)(7) of this rule.

(7) Successfully complete at least eight hours of continuing education annually.

(F) Staff members whose job responsibilities will include providing therapeutic diets, other than special diets, are obligated to be trained by a dietitian prior to performing this responsibility.

(G) The initial training obligated by paragraphs (E)(3) to (E)(6) of this rule is to be conducted by a qualified instructor for the topic covered. The annual continuing education obligated by paragraphs (E)(3) to (E)(6) of this rule may be completed online or by other media provided there is a qualified instructor present to answer questions and to facilitate discussion about the topic at the end of the lesson.

(H) The administrator is obligated to:

(1) Be licensed as a nursing home administrator under Chapter 4751. of the Revised Code; or

(2) Meet one of the following criteria at the time of employment:



- (a) Has three thousand hours of direct operational responsibility for a senior housing facility, health care facility, residential care facility, adult care facility or any other group home licensed or approved by the state;
  - (b) Has successfully completed one hundred credit hours of post high school education in the field of gerontology or health care;
  - (c) Holds a baccalaureate degree; or
  - (d) Is a licensed health professional as that term is defined in rule 3701-17-07.1 of the Administrative Code.
- (3) The administrator is obligated to receive at least nine hours of continuing education annually in the fields of gerontology, health care, business administration, or residential care facility operation. Successful completion of course work at an accredited college or university, or of courses approved by the following entities, may be used to demonstrate compliance with this paragraph:
- (a) The Ohio state bar association;
  - (b) The Ohio state board of executives of long-term services and supports;
  - (c) The Ohio state board of nursing;
  - (d) The Ohio state board of pharmacy;
  - (e) The Ohio state board of psychology;
  - (f) The Ohio state medical board; or
  - (g) Any other health-related state board organized pursuant to Title 47 of the Revised Code.
- (I) The operator or administrator is obligated to ensure that each staff member, other than a volunteer who does not provide personal care services, receives and completes orientation and training



applicable to the staff member's job responsibilities within three working days after beginning employment with the residential care facility. A staff member is not allowed to stay alone in the residential care facility with residents until the staff member has received the orientation and training obligated by this paragraph and the general staff training in fire control and evacuation procedures obligated by paragraph (P) of rule 3701-16-13 of the Administrative Code. The orientation and training mandated by this paragraph will include at least:

- (1) The physical layout of the residential care facility;
- (2) The staff member's job responsibilities;
- (3) The residential care facility's policies and procedures;
- (4) How to secure emergency assistance; and
- (5) Residents' rights.

(J) All individuals used by the residential care facility who function in a professional capacity are obligated to meet the standards applicable to that profession, including but not limited to, possessing a current Ohio license, registration, or certification, if obligated by law.

(K) Each residential care facility is obligated to provide appropriate staff training to implement each resident right under division (A) of section 3721.13 of the Revised Code on an annual basis and additionally as needed. The training obligated by this rule will include, but not be limited to, an explanation of:

- (1) The residents' rights and the staff's responsibility in implementation of the rights; and
- (2) The staff's obligation to provide all residents who have similar needs with comparable service.

(L) No residential care facility is allowed to employ a person for a position that involves the provision of direct care to an older adult, if the person:



- (1) Has been convicted of or pleaded guilty to an offense listed in division (C)(1) of section 3721.121 of the Revised Code, unless the individual is hired under the personal character standards set forth in rule 3701-13-06 of the Administrative Code;
  - (2) Fails to complete the form(s) or provide fingerprint impressions as obligated by division (B)(2) of section 3721.121 of the Revised Code;
  - (3) Is the subject of a finding of abuse or neglect of a resident or misappropriation of the property of a resident on the nurse aide registry, established pursuant to section 3721.32 of the Revised Code;
  - (4) Is the subject of a finding of abuse or neglect of a resident or misappropriation of the property of a resident on the nurse aide registry established by another state where the home believes or has reason to believe the person resides or resided; or
  - (5) Have had a disciplinary action taken against a professional license by a state licensure body as a result of a finding of abuse, neglect, mistreatment of residents or misappropriation of resident property.
- (M) For purposes of this rule, "annual" means a calendar year. The training hours obligated by this rule may be pro-rated from the employee's date of hire.